



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

CRIMINAL APPEALS AND
FEDERAL HABEAS CORPUS BUREAU

February 17, 2023

BY ECF

Hon. Paul G. Engelmayer
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *George Fay v. Anthony F. Annucci*, No. 20 Civ. 187 (PAE) (SLC)

Your Honor:

On behalf of respondent in the above habeas corpus matter, I write pursuant to Fed. R. Civ. P. 6(b)(1)(A) and Rule 1.E of the Court's Individual Practice Rules to request an extension to March 17, 2023, to respond to any objections petitioner might file to Magistrate Judge Cave's Report and Recommendation in this matter.

I will be on vacation and out of the country February 21 through March 4. Magistrate Judge Cave issued her Report and Recommendation on February 14, 2023. The parties have 14 days from service of the Report to file written objections, 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72, and 14 after service of a party's objections to respond. Fed.R.Civ.P. 72(b).

I attempted to contact petitioner's counsel, Mark Baker, to learn if he intended to file objections and, if so, to seek his consent to this request. I received an automated

Hon. Paul G. Engelmayer
February 17, 2023
Page 2 of 2

email response that he is away from the office with limited access to email until 11:30 p.m. on February 21. I make this request so I will have adequate time to respond to any objections petitioner may make, whenever he might make them.

Respectfully submitted,

/s
Nikki Kowalski
Deputy Solicitor General for
Criminal Matters
28 Liberty Street
New York, New York 10005
(212) 416-8370

cc: Mr. Mark Baker
The Baker law Firm for Criminal Appeals, PLLC
4705 Henry Hudson Parkway
Ste 4m/L
Riverdale, New York 10471